

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL NO:
v.	*	SECTION:
LIONEL NELSON	*	
a/k/a Lionel J. Nelson, Jr.		
a/k/a Darrel Nelson	*	
a/k/a Darryl Nelson		
	* * *	

F A C T U A L B A S I S

Should this matter have gone to trial, the Government would have proved, through the introduction of competent testimony and admissible tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations contained within the Bill of Information now pending against the defendant:

Representatives from Dell Incorporated (hereinafter referred to as “Dell”) would testify that Dell is a corporation engaged in the business of selling electronic merchandise, with its principal place of business in the state of Texas. Dell representatives would further testify that in or about July 15, 2005, an individual identifying himself as Darrell Nelson (a name used by defendant Lionel Nelson) contacted Dell and stated that he was representing LJN Group, Inc. (hereinafter “LJN”), a Louisiana corporation. Nelson applied for a line of credit in order to purchase electronic merchandise from Dell. On or about the same date, in support of the line of

credit, Nelson provided to Dell fictitious financial information including a financial statement and a blank check drawn on Dryades Savings Bank purportedly in the name of his company, LNJ Group.

The blank check provided to Dell had been obtained by the defendant, Lionel Nelson, who then altered the face of the check to read: "Darryl Nelson, LNJ Group Inc., 2340 ½ General Pershing, New Orleans, La 70175." This check was drawn on account number 800106613 of Dryades Savings Bank, a financial institution whose activities affected interstate commerce.

Dell consulted Dunn and Bradstreet and was informed that LNJ did have a Dunn and Bradstreet rating, and they were provided with a Dunn and Bradstreet report. The Dunn and Bradstreet report would be offered as evidence. It shows that LNJ's chief executive and president is Lionel J. Nelson, Jr. Dell also verified that LNJ Group was an existing Louisiana company. Nelson used this company to fraudulently obtain merchandise. The government would introduce in evidence the LNJ balance sheet received by Dell and the blank Dryades check, as well as phone records that establish that on or about July 18, 2005, Nelson sent a false LNJ balance sheet to either (512) 283-3578 or (877) 248-3730. Both numbers are out of state facsimile numbers and required the use of lanes of interstate commerce, and belonged to Dell.

Nelson then placed an order for \$114,000 worth of electronic equipment (25 plasma televisions) from Dell's online catalog. Based upon the Dunn and Bradstreet line of credit and the financial information supplied by Nelson, Dell shipped the requested order on or about July 19, 2005. These televisions were received by Lionel Nelson. Sundown Express was the shipper. A driver required the recipient of the TVs to provide a drivers license, and the records reveal that it was Lionel Nelson, drivers license number 6756684, which the government would prove

matched the official driver's license number of the defendant on record with the State of Louisiana. The driver would testify that he observed Nelson and another male place the TVs in a Ryder truck and leave the area. The driver would further identify the defendant as the person who took custody of the televisions shipped from Dell.

On August 15, 2005, Agents of the Secret Service executed a search warrant at he defendant's residence where the televisions had been shipped, located at 2340 General Pershing, New Orleans, Louisiana. Agents seized plasma televisions obtained from Dell and copies of the fraudulent financial information that the defendant had provided to Dell, together with other evidence. Nelson admitted to secret Service Agents that he had pretended to be "Darrel Nelson" and that he had provided fictitious financial information to Dell.

READ AND ACCEPTED BY:

LIONEL NELSON
Defendant

PETER M. THOMSON
Assistant United States Attorney

RONALD J. RAKOSKY
Attorney for the Defendant